

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KEITH BYRON BARANSKI,)	
)	
Petitioner,)	
)	
v.)	No. 4:11-CV-123 CAS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

This matter is before the Court on petitioner Keith Baranski's Motion to Unseal Response Docket No. 43 and for Attorney's Fees.

The sealed document filed by non-party movant Rosenblum, Schwartz, Rogers and Glass, P.C. lacks an adequate certificate of service, as it states, "I hereby certify that on February 23, 2012, the foregoing was electronically filed under seal with the Clerk of the Court." Section VI.B. of this Court's CM/ECF Administrative Procedures states,

Upon filing a sealed motion or document, electronic notice goes ONLY to the attorneys of record and indicates the document number; however, the document IS NOT accessible from the Notice of Electronic Filing (NEF). The docket entry appears for court users and all attorneys of record active in the case. ONLY Court users CAN ACCESS OR VIEW the document from the system. the docket text will read "SEALED MOTION" or "SEALED DOCUMENT."

PLEASE NOTE: The attorney filing the sealed motion or sealed document will have to serve opposing counsel by other means as service will not occur via the CM/ECF System.

See www.moed.uscourts.gov/sites/default/files/CMECF_AdminProcedures.pdf at 20-21.

RSRG will be ordered to promptly comply with applicable electronic filing procedures by filing a certificate of service stating that Document 43 has been served on petitioner's counsel by


means other than CM/ECF. RSRG shall include such a certificate of service on any sealed motions or documents it files in the future. Petitioner's motion will be denied to the extent it seeks to unseal Document 43, and remains pending with respect to his request for attorney's fees. RSRG may respond to that aspect of petitioner's motion within the time allowed under the Local Rules and Rule 6(d), Federal Rules of Civil Procedure.

Accordingly,

IT IS HEREBY ORDERED that non-party movant Rosenblum, Schwartz, Rogers & Glass, P.C. shall file a certificate of service no later than **March 6, 2012**, stating that Document 43 has been served on petitioner by means other than CM/ECF.

IT IS FURTHER ORDERED that petitioner's Motion to Unseal Response Docket No. 43 and for Attorney's Fees is **DENIED** as to the motion to unseal Document 43. [Doc. 44]

IT IS FURTHER ORDERED that petitioner's Motion to Unseal Response Docket No. 43 and for Attorney's Fees **remains pending** as to the issue of attorney's fees. [Doc. 44]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 5th day of March, 2012.